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116	7590	10/18/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/998,256

Applicant(s)

RITTER, RUDOLPH

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment B which is filed August 4, 2004.

An amendment to the claims 1-4 and 8-23 have been entered and made of record. The new set of claims 24-31 are introduced.

Claim 16 is cancelled.

Claims 1-15 and 17-31 are pending.

### ***Response to Arguments***

The amended paragraphs in specification correct the reference numeral 4 were received on August 4, 2004. Since numeral 4 has been changed to 40 from the specification, therefore, examiner has withdrawn the objection to the specification

The corrected or substitute drawing were received on August 4, 2004. These drawing are accepted. Applicant is advised to submit new formal drawings including changes required by the proposed drawing correction filed on August 4, 2004, which has been approved by the examiner.

Applicant's amendments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C §

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103(a) as discussed below. Applicant's amendment and argument with respect to the pending claims 1 and 17, filed August 4, 2004, have been fully considered but they are not persuasive for at least the following reasons.

On page 16, second paragraph, Applicant's arguments with respect to the invention in Sehr does not teach or suggest contactless transmission is not persuasive.

Sehr suggests that the passenger card (11) includes a "smart cards" that have a shape similar to plastic bankcards for traveling purposes and for implementation of other card-based applications (col. 6 lines 16 to 51; see Figure 1). Sehr suggests that wireless communications technologies can be used between a passenger card and a card station (column 8 line 59 to column 9 line 5). Furthermore, Sehr suggests that an agency representative couples the card via a card terminal or wireless means to service providers to verify the cardholder's eligibility (column 37 lines 2 to 13). Sehr also suggests that the passenger will display the card-based template representing the passport application form while inputting the necessary data; the form-template can be stored in the passenger card or downloaded from a remote database. The data entries comprise demographics information, such as name, permanent and mailing address, telephone number, and SSN; as well as additional personal data, such as gender, date and place of birth, height, and hair and eye color. Also included is information about travel plans and an emergency contact, as well as data related to the most recent passport, such as passport number, and date and place of issuance. This data can be entered by the passenger via keyboard or wireless means, or electronically retrieved from the old passport document; the old passport can be stored in the passenger card or provided as a machine readable document (column 43 lines 4

to 18). One skilled in the art understands that a wireless communications is a contactless transmission. Therefore, Sehr teaches a method for checking the tickets contactless transmission.

On page 16, third paragraph, Applicant's arguments with respect to the invention in Cousins does not teach or suggest a virtual retinal display is not persuasive.

Cousins disclose a technique for presenting a three dimensional image is a Virtual Retinal Display (VRD) available from Microvision (Seattle, Wash.) and are described in US Pat. Nos. 5,659,327 (column 5 lines 34 to 38). This VRD device is a multi-purpose portable imaging device and is small enough to be hand-held or wearable (see abstract; column 7 lines 50 to 55). Also the specification page 6 lines 25 to 28 suggests that the VRD device is proposed by the firm Microvision. Therefore, Cousins suggests of using a VRD device.

On page 17, second paragraph, Applicant's arguments with respect to the invention that examiner has not provided motivation for combine is not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). Sehr suggests it is desired to provide that information data related to tickets, passenger and system entities to be displayed for traveling purposes and for the implementation

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of other card-based applications. The card station includes means for capturing and digitizing the biometrics characteristics information--such as fingerprints, voice, signature, eye characteristics, or picture/facial features--of a particular passenger. The captured biometrics can be stored in or imprinted onto the passenger card, as well as loaded into the database(s). The "life" biometrics can also be compared with biometrics information that was previously stored in the passenger card or in a remote database, to verify, for example, if a passenger is the legitimate card holder (column 6 lines 16 to 38). Cousins et al. teach that using a virtual retinal display for checking and identifying a person or objects based on their image characteristics to perform a security at airports allows scanning of people or things in real time (column 8 lines 3 to 17; column 13 lines 5 to 47) in order to reduce cost, size and increase portable of a security system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use a virtual retinal display to provide a real image of Cousins et al. in the display of information in the data access travel system of Sehr with the motivation for doing so would have been to provide a flexible and convenient device to display information related to users in order to operate a travel system more efficient at any place at any time.

The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the

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printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract using a plurality of paragraphs is implied and should be avoided. Abstract should be limited to a single paragraph. See MPEP 608.01(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 13, 17, 24, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797).

Referring to claims 1, 17, 24 and 29, Sehr discloses a method for checking access permission of users of public transportation (column 2 lines 7 to 26; see Figure 1), comprising the steps of:

storing of authorization data (i.e. a ticket information) in a portable personal identification module (11) (i.e. an electronic passenger card) of the user (column 6 lines 16 to 38; column 13 lines 39 to 63; see Figures 1-3),

storing of biometric identification data (i.e. a biometric information) that are specific to the users' outer appearance in said personal identification module (11) (column 6 lines 52 to 61; column 13 lines 4 to 38),

contactless transmission of said identification and authorization data in a portable authorization-checking device (12) (i.e. card reader) (column 6 line 39 to 51; column 8 line 59 to column 9 line 19; column 13 line 4 to 38),

visual reproduction (i.e. display) of said identification and authorization data (column 6 lines 16 to 51; column 8 line 59 to column 9 line 19).

However, Sehr did not explicitly disclose further comprising visual reproduction of said identification and authorization data with a Virtual Retinal Display (VRD) device.

In the same field of endeavor of identifying objects device, Cousins et al. teach that visual reproduction of said identification and authorization data with a Virtual Retinal Display (VRD) device (100) (i.e. an imaging device) (column 5 lines 16 to 38; column 6 lines 19 to 63; column 13 lines 5 to 48) in order to use in many applications for identifying objects based on their image characteristics.

One of ordinary skilled in the art recognizes the need to use a virtual retinal display to provide a real image of Cousins et al. in the display of information in the data access travel system of Sehr because Sehr suggests it is desired to provide that information data related to tickets, passenger and system entities to be displayed (column 6 lines 16 to 38) and Cousins et al. teach that using a virtual retinal display for identifying objects based on their image characteristics to perform a security at airports allows scanning of people or things in any place at any time (column 13 lines 5 to 47) in order to provide a flexible and effective image display



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device of a security system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use a virtual retinal display to provide a real image of Cousins et al. in the display of information in the data access travel system of Sehr with the motivation for doing so would have been to provide a flexible and convenient device to display information related to users in order to operate a travel system more efficient at any place at any time.

Referring to claims 7 and 31, Sehr in view of Cousins et al. disclose a method of claims 1 and 29, Sehr discloses wherein said biometric parameters comprise an image of said user (column 7 lines 10 to 15; column 11 lines 53 to 62).

Referring to claim 13, Sehr in view of Cousins et al. disclose a method of claim 1, Sehr discloses wherein data from central data processing means (2 or 1) (i.e. travel center or card station) can be transmitted over said contactless interface to at least one said terminal (4) (column 6 line 39 to 51; column 8 line 59 to column 9 line 19; column 13 line 4 to 38; see Figure 1).

Claims 2-3, 9-12, 14-16, 18-20, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) as applied to claims 1, 17, 24 and 29 and in further view of Jachimowicz et al. (EP 0 564 940 A1).

Referring to claims 2 and 19, Sehr in view of Cousins et al. disclose a method of claims 1 and 17, however, Sehr in view of Cousins et al. did not explicitly disclose wherein said authorization-checking device has controls with which the user of the authorization-checking device can select which data he wishes to check.

In the same field of endeavor of identifying objects device, Jachimowicz et al. teach that authorization-checking device (10) (i.e. a personal communicator) has controls with which the user of the authorization-checking device can select which data he wishes to check (column 6 lines 5 to 33; column 9 line 34 to column 10 line 44; see Figures 5, 10-11).

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a operating switch of a personal communicator to select a portion of image of a desired information of Jachimowicz et al. in a smart passenger card of Sehr in view of Cousins et al. because the desired information to be viewed is selected would improve the efficient and flexible personal communication device that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al.

Referring to claims 3, 20, 26-28 and 30 Sehr in view of Cousins et al. disclose a method of claims 1-2, 19, 24 and 29, Jachimowicz et al. disclose wherein said controls are controlled with the eye of the user (column 5 line 24 to column 6 line 4; see Figures 3-4, and 7).

Referring to claim 8, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein data and programs can be downloaded over an additional

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radio receiver (15-19) in said identification module (10) (column 2 line 36 to column 3 line 26; see Figure 1).

Referring to claim 9, Sehr in view of Cousins et al. disclose a method of claim 8, Jachimowicz et al. disclose wherein blocking data can be downloaded over said radio receiver (15) (column 2 line 50 to column 3 line 1; see Figures 1 and 2).

Referring to claim 10, Sehr in view of Cousins et al. disclose a method of claim 8, Jachimowicz et al. disclose wherein timetables can be downloaded over said radio receiver (15) (column 2 line 50 to column 3 line 1; see Figures 1 and 2).

Referring to claim 11, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein certain data of a plurality of users are transmitted in a first step over said interface, wherein these data are reproduced with said authorization-checking device (90), wherein a specific user is selected and wherein additional data of this selected user are transmitted over said contactless interface and reproduced (column 9 lines 20 to 55; column 10 lines 27 to 46; see Figures 10 and 11).

Referring to claim 12, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein data from central data processing means (i.e. a broadcast television) can be transmitted over said contactless interface (i.e. RF radio) to said authorization-

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checking device (30) (i.e. a personal communicator) (column 4 line 7 to column 5 line 4; see Figure 2).

Referring to claims 14 and 16, Sehr in view of Cousins et al. disclose a method of claim 13, Jachimowicz et al. disclose wherein at least certain of said data transmitted over an additional radio receiver (15) comprise blocking data for blocking said identification module (column 2 line 36 to column 3 line 26; see Figure 1).

Referring to claim 15, Sehr in view of Cousins et al. disclose a method of claim 1, Jachimowicz et al. disclose wherein data from an external sender (not shown) (i.e. broadcast station of radio) can be transmitted over an additional radio receiver (13-18) in the terminal (30) (column 2 lines 36 to column 3 line 26; see Figures 1-2).

Referring to claim 18, Sehr in view of Cousins et al. disclose the portable authorization-checking device of claim 17, Jachimowicz et al. disclose in the form of glasses (column 7 lines 26 to 31; see Figure 7).

Claims 4, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) and Jachimowicz et al. (EP 0 564 940 A1) as applied to claims 2, 17 and 24 and in further view of Brown et al. (US# 6,366,622).

Referring to claims 4, 21 and 25, Sehr in view Cousins et al. and Jachimowicz et al. disclose the portable authorization-checking device of claims 2, 17 and 24, however, Sehr in view of Cousins et al. and Jachimowicz et al. did not explicitly disclose wherein said personal identification module comprises a RFID element.

In the same field of endeavor of wireless communication system, Brown et al. teach that personal identification module comprises a RFID element (100) (column 10 line 17 to 31; see Figures 4 and 8) in order to operate more efficient in a wireless communication network.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a radio frequency of a direct conversion radio device of Brown et al. in a smart passenger card of Sehr in view of Cousins et al. and Jachimowicz et al. because using a radio frequency identification card would improve the reliable and flexible communication interface that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al. and Jachimowicz et al.

Claims 5-6 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) as applied to claims 1 and 17 and in further view of Brown et al. (US# 6,366,622).

Referring to claims 5-6 and 22-23, Sehr in view Cousins et al. disclose the portable authorization-checking device of claims 1 and 17, however, Sehr in view of Cousins et al. did not explicitly disclose wherein said data are transmitted over a Bluetooth or HomeRF interface.

In the same field of endeavor of wireless communication system, Brown et al. teach that wherein said data are transmitted over a Bluetooth or HomeRF interface (column 3 line 11 to 61; column 21 lines 25 to 42; see Figure 14) in order to operate more efficient in a wireless communication network.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a radio frequency of a direct conversion radio with a Bluetooth or HomeRF wireless communications standards of Brown et al. in a smart passenger card of Sehr in view of Cousins et al. because using a radio frequency card over a Bluetooth or HomeRF wireless communications standards would improve the reliable and flexible communication interface that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen  
October 12, 2004



MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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